

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LOUIE J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:21-CV-03015-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 20. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Joseph L. Langkamer.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 20, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council should remand this case to the Administrative Law Judge (ALJ) for a de novo hearing. On remand, the ALJ shall further consider the

ORDER ~ 1


1 medical opinions of record, including the medical expert's testimony, in
2 compliance with the prior remand orders and the applicable rules; further consider
3 whether the claimant's migraines equal a listing, as informed by Social Security
4 Ruling 17-2p; as needed, reassess the claimant's physical and mental residual
5 functional capacity and obtain supplemental vocational evidence to reassess
6 whether there were jobs the claimant could still do despite his impairments. The
7 ALJ shall take any further action needed to complete the administrative record,
8 offer the claimant the opportunity for a new hearing, and issue a new decision as to
9 whether the claimant was disabled prior to July 22, 2020. As this case was
10 previously remanded to the same ALJ, the Appeals Council will direct that this
11 case be assigned to another ALJ.

12 The parties stipulate that this case be reversed and remanded to the ALJ on
13 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
14 matter is remanded to the Commissioner for additional proceedings pursuant to
15 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider
16 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

17 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
18 Judgment, ECF No. 14, is **DENIED** as moot, given the parties' motion for remand.

19 The District Court Executive is hereby directed to enter this Order and provide
20 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.
21

DATED October 21, 2021.



LONNIE R. SUKO
Senior United States District Judge